

REMARKS

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims, the enclosed terminal disclaimer and the following remarks.

The present invention is directed to a splash-proof lid and splash-proof lid assembly for a drinking cup. One of the novel aspects of the present invention, the lid has a bottom section which mates with a portion of the snap fitting periphery of a circular disc.

Claims 1-21 have been allowed. Claims 22, 23 and 27 had been rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 9 of US Patent 6,522,139. Claims 24-26 and 28-30 had been objected to as being dependent upon rejected base claim 22.

In order to place claims 22-30 in condition for allowance, Applicant has herein enclosed a terminal disclaimer. Thus, it is submitted that claims 22-30 no longer stand rejected.

Claims 16-19, 25 and 30 have been amended herein to correct some obvious typographical errors.

Applicant has also added new claims 31-38. Independent claims 31 recites that the disc has a tube on a bottom surface of the disc. Independent claim 34 recites that the tube has a bottom portion below the bottom of the surface. Independent claim 37 recites that a bottom section is shaped to form a tube bottom. Claims 32, 33, 35, 36 and 38 are ultimately dependent upon claims 31, 34 or 37. Thus, Applicant submits that new claims 31-38 are patentable over the cited art.

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Enclosed is PTO Form 2038 authorizing payment of the appropriate fees associated with the Terminal Disclaimer and the fee associated with eight (8) new claims of which

three (3) are independent. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Executed Terminal Disclaimer
Executed PTO Form 2038 for \$256.00
Return receipt post-card